

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MELVIN SPARKS and ANGELA SPARKS,

Plaintiffs,

v.

Case No. 17-11330

EQUITYEXPERTS.ORG, LLC,

Defendant.

ORDER DIRECTING FURTHER BRIEFING

Plaintiffs Melvin and Angela Sparks allege that Defendant EquityExperts.Org, LLC, is liable for violations of the Fair Debt Collection Practices Act (“FDCPA”) and the Michigan Occupational Code (“MOC”). Plaintiffs say that Defendant, in collecting on Plaintiffs’ overdue homeowners’ association account, improperly tried to collect costs Plaintiffs did not owe: Defendant’s own costs of collection. Plaintiffs also claim that Defendant improperly continued collection efforts following settlement of Plaintiffs’ account.

Pending before the court are the parties’ cross motions for judgment. In reviewing the submissions, the court identified a number of issues unresolved in the briefing. Principally, the court was unconvinced that Defendant’s collection costs were “expressly authorized” by the homeowners’ association’s governing documents—as required by the FDCPA, see 15 U.S.C. § 1692(a)—if the homeowners’ association did not bear the costs of collection. The court therefore inquired whether Plaintiffs’ homeowners association would bear the costs of collection in the event that Plaintiffs’ debt remained unpaid. The court also asked the parties to address whether there is an

outstanding issue of material fact as to the terms of Plaintiffs' purported settlement with Defendant. It invited the parties to address these matters and the potential for settlement at conference, which the court conducted on May 8, 2018.

The parties have decided to further pursue the legal inquiry: whether Plaintiffs' homeowners' association documents "expressly authorize[]" the collection of Defendant's costs as required by the FDCPA. They are in apparent agreement that the terms of the purported settlement between the parties (and whether those terms were satisfied) will remain an outstanding issue of material fact. The court will impose the briefing schedule discussed at the conference. Accordingly,

IT IS ORDERED that Defendant shall file a brief of no more than five pages by **May 23, 2018** regarding the legal issue described herein.

IT IS FURTHER ORDERED that Plaintiffs' response brief shall be no more than five pages and shall be filed by **June 6, 2018**. No reply brief will be permitted unless called for by the court.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 15, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 15, 2018, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522